ORDER NO. 936

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners: Ruth Y. Goldway, Chairman;
Mark Acton, Vice Chairman;
Nanci E. Langley; and
Robert G. Taub

Ogden Post Office   Docket No. A2012-31
Ogden, Arkansas

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued October 28, 2011)

Notice is hereby given that, pursuant to 39 U.S.C. 404(d), on October 24, 2011, the Commission received a petition for review of the Postal Service's determination to close the Ogden post office in Ogden, Arkansas. The petition for review was filed by Sandra Furlow, Mayor, City of Ogden (Petitioner) and is postmarked October 12, 2011. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and establishes Docket No. A2012-31 to consider Petitioner's appeal. If Petitioner would like to further explain his position with supplemental information or facts, Petitioner may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than November 28, 2011.

Categories of issues apparently raised. Petitioner contends that the Postal Service failed to consider whether or not it will continue to provide a maximum degree of effective and regular postal services to the community (*see* 39 U.S.C. 404(d)(2)(A)(iii)).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than the one set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable administrative record with the Commission is November 8, 2011. *See* 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is November 8, 2011.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at *http://www.prc.gov*. Additional filings in this case and participant's submissions also will be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at *prc-webmaster@prc.gov.*

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., eastern time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

Filing of documents. All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's website, *http://www.prc.gov*, unless a waiver is obtained. *See* 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's website, *http://www.prc.gov*, or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

Intervention. Persons, other than the Petitioners and respondents, wishing to be heard in this matter are directed to file a notice of intervention. *See* 39 CFR 3001.111(b). Notices of intervention in this case are to be filed on or before November 22, 2011. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's website, *http://www.prc.gov*, unless a waiver is obtained for hardcopy filing. *See* 39 CFR 3001.9(a) and 3001.10(a).

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. *See* 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. *See* 39 CFR 3001.21.

It is ordered:

1.   The Postal Service shall file the applicable administrative record regarding this appeal no later than November 8, 2011.

2.   Any responsive pleading by the Postal Service to this Notice is due no later than November 8, 2011.

3.   The procedural schedule listed below is hereby adopted.

4.   Pursuant to 39 U.S.C. 505, Derrick Dennis is designated officer of the Commission (Public Representative) to represent the interests of the general public.

5.   The Secretary shall arrange for publication of this Notice and Order and Procedural Schedule in the *Federal Register*.

By the Commission.

Ruth Ann Abrams
Acting Secretary

PROCEDURAL SCHEDULE

October 24, 2011   Filing of Appeal

November 8, 2011   Deadline for the Postal Service to file the applicable administrative record in this appeal

November 8, 2011   Deadline for the Postal Service to file any responsive pleading.

November 22, 2011   Deadline for notices to intervene
                          (*see* 39 CFR 3001.111(b))

November 28, 2011   Deadline for Petitioner's Form 61 or initial brief in support of the petition (*see* 39 CFR 3001.115(a) and (b))

December 19, 2011   Deadline for answering brief in support of the Postal Service (*see* 39 CFR 3001.115(c))

January 3, 2011   Deadline for reply briefs in response to answering briefs (*see* 39 CFR 3001.115(d))

January 10, 2012   Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (*see* 39 CFR 3001.116)

February 9, 2012   Expiration of the Commission's 120-day decisional schedule (*see* 39 U.S.C. 404(d)(5))